

otherwise appropriated the sum of Twenty-five thousand dollars for the years 1929-1930, and a like amount for the years 1930-1931.

Sec. 25. Emergency Clause. The fact that there is now no law providing an adequate system of paroles and pardons in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FOURTH DAY.

Senate Chamber,
Austin, Texas,

Monday, April 29, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Gainer.	Westbrook.
Greer.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Small.

Bills and Resolutions.

By Senators Woodward, Holbrook, Hornsby and Small.

S. B. No. 4, A bill to be entitled "An Act regulating and imposing duties and restrictions on certain public utilities, providing for the regulation of rates to be charged by pub-

lic utilities, for service rendered, that the rates charged shall be just and reasonable and that the service rendered shall be adequate, efficient and reasonable, requiring reports to be made by utilities, creating a Public Utilities Commission, etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Moore.

S. B. No. 5. A bill to be entitled "An Act amending Article 198, Title 8, of the Revised Civil Statutes of 1925 as amended by Chapter 255 of the General and Special Laws of the Regular Session of the 40th Legislature so as to create the 12th Supreme Judicial District of Texas, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Judicial Districts.

By Senator Love.

S. B. No. 6, A bill to be entitled "An Act to amend Article 2963, Article 2965 and Article 2968 of the Revised Civil Statutes of Texas relating to the mailing of poll tax receipts to certain persons and providing for the mailing of poll tax receipts to property taxpayers subject thereto; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senator McFarlane.

S. B. No. 7, A bill to be entitled "An Act relating to the State Penitentiary and the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; etc., and declaring an emergency."

The bill was read first time and referred to Committee on Penitentiaries.

Senators Excused.

On motion of Senator Thomason, Senators Greer and Westbrook were excused for the day on account of important business.

On motion of Senator Moore, Senator Hyer was excused for the day on account of important business.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger

from the Governor with the following messages:

Executive Office,

April 25, 1929.

To the Senate of the State of Texas:
Capitol.

Gentlemen:

I have appointed, subject to your confirmation, the following named persons to the office set opposite their names for the statutory term of office:

Roy I. Biggs of Pecos, District Attorney for the 109th Judicial District of Texas;

Robert Crim of Hicks, Member of State Mining Board;

Dr. Edward Randall of Galveston, to succeed Honorable R. G. Storey as a member of the Board of Regents of the University of Texas.

Honorable W. M. Odell of Fort Worth, to succeed Honorable Ed Howard as a member of the Board of Regents of the University of Texas.

Honorable Oliver C. Aldrich of San Juan, to be District Attorney of the 79th Judicial District of Texas.

Respectfully Submitted,

DAN MOODY,

Governor.

Executive Office,

April 29, 1929.

To the Members of the Forty-First Legislature:

The following subjects are submitted for your consideration:

(1) Taxation.

(2) The control and regulation of public utilities through the establishment of a Utility Commission.

Respectfully submitted,

DAN MOODY,

Governor.

Special Report.

Senator Beck sent up the following special report which, on motion of Senator Woodward, was ordered printed in the Journal:

Report of Investigating Committee of the Negro Orphan's Home, Gilmer, Texas.

Hon. Barry Miller, President of the Senate.

We, your Committee appointed to investigate the Negro Orphan's Home, Gilmer, Texas, beg leave to state that we visited this institution on March 29, 1929, and beg leave to make the following report.

Buildings Found.

There are 29 buildings, sheds, etc.

1. Boy's Dormitory.
2. Large Girl's Dormitory.
3. Small Girl's Dormitory.
4. Baby Cottage.
5. Two story Manual Training shop. (No equipment.)
6. Dining Hall.
7. Domestic Science Building.
8. Smoke House.
9. Cotton Shed.
10. Milk House.
11. Lumber Shed.
12. Nail House.
13. Storage House.
14. Old Shop.
15. Potato Curing Kiln.
16. Tool House.
17. Seed House.
18. Coal, Oil House.
19. Laundry.
20. Two Bath Houses.
21. Cook's House.
22. Implement House (Good Supply.)
23. Bakery.
24. Book House.
25. Coal House.
26. Chapel.
27. Tabernacle.
28. Office.
29. Barn.

Found several carloads of brick, and 1000 sacks of cement, which could be utilized in a building.

These buildings are placed promiscuously over the campus with no idea of symmetry. They are very poorly furnished and poorly kept, except for a fairly good supply of plow tools.

Campus.

The campus contains but few flowers, poorly cared for, and nothing to make the general view inviting.

Crowded Conditions.

We found the four buildings for the boys and girls very scarce of bedding and very crowded.

In one instance eleven beds were in one room. From three to four boys were compelled to sleep in each bed.

Food Supply.

While we were there at noon they served the children pinto beans and biscuits, having been out of meal for several days. This dinner was

carried around in the dining hall in large pots by two orphan girls.

On each tin plate was served beans and two biscuits; after which the doors were opened and each orphan was allowed to come in and eat his or her share of the allotment.

Baby Cottage.

We found very poor conditions in this building, with twenty-two babies from six years down to four months old infants, and all under-nourished.

General Appearance of the Children.

They were poorly clad, some with barely enough on to appear decent, many were with bare feet, and none looked tidy.

Deportment.

The inmates seemed to be easily managed, kindly disposed and agreeable.

Number and Classification in the Office.

Boys:	Girls:
6th grade.....3	6th grade.....2
5th grade.....4	5th grade.....19
4th grade.....6	4th grade.....6
3rd grade.....11	3rd grade.....9
2nd grade.....4	2nd grade.....1
1st grade.....19	1st grade.....20
Babies.....12	Babies.....10
Total.....59	Total.....67
Sum Total.....126	

Religious Training.

The facilities and source for religious training are very poor. The assembly hall is a mere shack, and it seems that a farm hand does the preaching.

Contact with other People.

The children have but little opportunity to visit other churches or make contact with other children, and poor inducements are given that would invite the others to visit.

Athletics.

There are no organized games of any kind, which is a great neglect in child life. They amuse themselves as best they can with rag balls and hewn sticks for bats.

Supervisors and Teachers.

There are seven such persons em-

ployed, with two of them drawing state appropriated money. All the salaries range from \$40.00 to \$65.00 per month and board. Some of these teachers are fairly well prepared, while some are not, and were chosen neither from the standpoint of adaptability or efficiency.

Perhaps the low salaries offered accounts for the personnel of the teaching force.

Water and Lights.

They get their water supply from three wells by the use of ropes and buckets, which is not very sanitary for that number of children who are allowed to draw their own water and drink at will.

Lights are being supplied by means of coal oil lamps and lanterns many of which are without globes.

Live stock.

There are nineteen mules and four horses, most of them old, about twenty-five head of fairly good grade of Jersey cattle. But all are very poor for the lack of feed through the winter. There is one breeding sow and four pigs and very few chickens.

Crops.

But very little records are kept of crop productions of the past. One hundred and fifty bushels of corn were raised last year, very little roughage, a few bearing fruit trees, and no record of last years cotton crop.

The farm is being managed by an untrained farm hand, little hired help, and an average of about eight orphans each day, who work by shifts, working on the farm some days and going to school some days.

The Land.

There are about seven hundred acres of land ranging in grade from poor hillside, good bodied-up land to a good grade of bottom land, with about three hundred acres in cultivation which could be put under profitable production. Most of it needs terracing and building by rotation, the liberal planting of legumes and a well planned cropping system.

We recommend that a competent man be employed by the State at a salary of \$150.00 per month, with \$500.00 per annum ration allowance, to manage this orphans home;

that an appropriation of \$25,000.00 be made immediately available for the equipment and maintenance of this institution for the year 1929, and \$20,000.00 for the year 1930.

This institution, properly equipped and managed, can be made almost self-supporting, and will render great service to the unfortunate negro orphans of Texas.

BFCK,
POLLARD,
Committee.

Simple Resolution No. 4.

Senator Love sent up the following resolution:

RESOLVED:

The Senate has learned with profound regret of the death of Tom Finty, Jr. of Dallas, at his home on Thursday, April 25th.

For more than thirty-one years Mr. Finty actively served on the staff of a leading Texas newspaper, and for most of that period he stood in the front rank of Texas journalism. For many years he was a leading member of the force that reported the proceedings of this Senate, as well as of the House of Representatives.

While he never sought nor held public office, Mr. Finty, throughout his active life, was a most valuable and devoted public servant. Truly, he served well the people of the State. He not only lost no opportunity to apply his great talents and influence, and his extraordinary industry, to the promotion of the public welfare, but he was ever alert to create such opportunities. Undoubtedly his life was shortened by his tireless and unselfish service to the State. We desire to record that in his passing, Texas sustains the loss of a most useful citizen whose labors greatly benefited and adorned the generation in which he lived—a loss not soon to be supplied.

We tender to his wife and daughter, and other relatives, in the hour of their bereavement, the heartfelt sympathy and condolence of the Senate of Texas.

Love, Pollard, Thomason, Neal, Holbrook.

The resolution was read and unanimously adopted by a rising vote.

Simple Resolution No. 5.

Senator McFarlane sent up the following resolution:

Whereas, Miss Katherine Marshall of Quanah, Texas, has won the District and State Championship in the International Oratorical Contest sponsored by the Star-Telegram in this State, and

Whereas, Miss Marshall will represent the State of Texas in the International Oratorical Contest to be held at New Orleans, La., May 10th.

Therefore, be it resolved by the Senate of Texas that she be congratulated upon her success, already attained, and that the Secretary of the Senate be instructed to wire her congratulations and best wishes for her success in the International Contest at New Orleans.

McFARLANE.

The resolution was read and adopted.

Senate Bill No. 1.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hyer.

S. B. No. 1, A bill to be entitled "An Act to provide for a system of pardons and paroles, to create a board to investigate and recommend to the Governor prisoners who should be pardoned or released on parole or on furlough, to provide for the supervision of prisoners released on parole, and making an appropriation to pay the salaries and defray the expenses of the board and its employees, etc., and declaring an emergency."

On motion of Senator Woodward, the bill was laid on the table subject to call.

Memorial Service.

At 11:00 o'clock a. m., the Chair announced that the hour set for the memorial service in honor of the late Hon. Joseph Weldon Bailey had arrived.

Senator Holbrook sent up the following resolution:

Simple Resolution No. 6.

Whereas, Joseph Weldon Bailey, for many years Congressman from the Fifth District of Texas, and a member of the United States Senate from this State from March 4, 1901 to January 8, 1913, departed this life in Sherman, Texas, on the thirteenth day of the present month, and

Whereas, the said Joseph Weldon Bailey has for more than a quarter of a century, been recognized by the people of this nation as one of the outstanding democrats of his time, and perhaps as the greatest orator and constitutional lawyer that has appeared on the stage of action since the early days of the Republic, and

Whereas, though he was born in Mississippi, he came to the Lone Star State while yet a young man, and through a long and distinguished career, he won for himself an undying fame; and impressed his adopted commonwealth with a glory which cannot be dimmed by time nor chance, and

Whereas, it is the wish of the Senate of Texas, to place on record its admiration of his statesmanship, and acknowledge to the world its debt of gratitude for the worth while services he rendered, not only to the people of this State, but to those of our common country;

Therefore, be it resolved by said Senate, that in the passing of this gifted leader, we feel that one of the mightiest defenders of our constitutional liberties, has crossed to the unseen shore. With one accord, the populace of America can in truth exclaim, "A tower has fallen—a star has set." We join with his family and friends throughout the nation in mourning his sudden and untimely death, but take courage in the fact that his wise philosophy and brilliant teachings will remain as a benediction to light the walks of men.

Be it further resolved, that this testimonial of our affection for him be printed in the Journal, and that a copy of same be mailed to his wife and each of his sons.

By Holbrook, DeBerry, Thomason, Cunningham, Love, Russek, Neal, Moore, Wirtz, Pollard, Martin, Parrish, Beck, Woodul, Cousins, Stevenson, Woodward, Williamson, Small, Berkeley, McFarlane, Hardin, Hornsby, Witt, Gainer, Patton, Miller, Parr, Westbrook, Greer, Hyer.

The resolution was read and unanimously adopted by a rising vote.

The Chair recognized Senator Holbrook who addressed the Senate as follows:

JOSEPH WELDON BAILEY.
IN MEMORIAM.

When death, with his inverted

torch, touched to dreamless sleep the eyes of Joseph Weldon Bailey, this nation in general and this State in particular, lost one of the keenest blades that was ever unsheathed in defense of constitutional government in this country.

It is hard to overestimate the debt of gratitude we owe to this man of genius, who with steady step and sparkling intellect impressed the generation in which he lived with lines of immortality. Take the records if you will from our national history, blot out his brilliant debates in the Senate and in the House, and the works of Madison and Jefferson will become the unmeaning waste of thoughtless chance.

The very name of this gifted statesman imbues one with a sense of too large a theme to be depicted in song or story. In striving to speak of him as an outstanding man and distinguished citizen of his adopted State, I am lost for want of expression to truly outline the imprint of his imperishable character. In matters of building a lasting government, he exercised the watchful care of a Solon or an Alfred; and in the logic with which he defended our original constitution, one is struck with the thought that no greater mind has come to give it correct interpretation, since its framers passed to eternal glory.

After long study and firm conviction, it is my opinion that he who would speak worthily of this knightly chieftain, should be inspired by a muse of fire, that would ascend to the highest heaven of intellectual greatness. He should have the learned councils of the world assembled on his stage, and the mighty men of earth join ranks in the march to increase the swelling scene.

So long as time endures, it is my conclusion that the principles he preached will become the shibboleth of men in every clime, and of every creed. By his impassioned oratory and magic strength of mind, he served to link the present with the past as but few have done before him; and shed a new light and a new hope upon endless aeons of the future. In paying homage to his memory at this hour, we proclaim his merits as he lived, in the belief that they will endure as a guiding benediction. We would indeed prove ourselves unworthy recipients of the joys which have arisen from his la-

bors, if we were insensible to his sacrifices and his achievements.

The fact that you have paused for a moment to do him reverence, testifies to your grateful appreciation of the rare qualities possessed by Joseph Weldon Bailey; and of the manner in which he performed the mighty tasks which fell to his lot. Your reason for paying tribute to the restless spirit of this peerless American, is evidence enough that the same thoughts which animated him awakens a like response in your breasts.

I shall not attempt to sketch his life. The children of America a century hence will learn of it in their schools, and around their mothers' knees. It is sufficient to say that it was filled with so many dramatic incidents, as to prove that truth is as strange as fiction.

He was born in Copiah County, Mississippi, in October, 1863, and amid the most turbulent scenes of the Old South he grew to manhood. It was but natural that he should early imbibe the political philosophies of Jefferson Davis, and those intrepid cavaliers who followed the fortunes of the Stars and Bars. He believed implicitly in the Union of States, as set by the fathers for us in this inheritance; but he also believed that the general government was one of limited powers, and that those inherent rights not expressly set out in the Constitution were and should forever be reserved to the States.

Shortly after reaching his majority he removed to Texas and settled at Gainesville, where he resided during most of his active political career. He took his seat in Congress on March 4, 1891, from the old 5th District; and was successively re-elected to Congress from that District until he was elevated to the United States Senate on March 4, 1901.

He was elected to succeed himself in the Senate, and served until a few months before the expiration of his second term, when he resigned to take his place in private life. He passed quietly from the walks of men in Sherman, Texas, on the 13th day of the present month and in the sixty-sixth year of his age.

It was fitting that he should "slip away," amid the scenes of his early triumphs, and by the side of some of his best loved friends. If time and space did not forbid, I would detail some of the incidents which

placed him among the truly great; but the press of the country, and the historians of the future will make them effulgent through all coming time.

Destiny denied him the highest honors within the gift of his party, but there are those of us now living who believe that he was the greatest Democrat since Jackson, and that he had few equals and no superiors as a constitutional lawyer. His depths of thought and breadth of vision cannot be encompassed by the ordinary mind.

The general application of the doctrines he taught, the obedience to the admonitions he gave in his farewell address to the Senate, and the strict adherence to the simple virtues of his political creed, will be the spiritual food upon which the free republics of the world will gain their chief strength and support to the latest generation.

He wanted his country, and especially the democratic party, to which he had given the best years of his life, to remain true to a strict construction of the Constitution. For this special reason he was often found sounding a warning against most of the amendments enacted since the Civil War.

He repeatedly made the unqualified assertion in Congress, that any attempt to change our form of government from its first conception was not to be tolerated, and that the Constitution should never be amended except upon imperative necessity and after careful thought.

Senator Bailey was as consistent in his efforts, as he was persistent. The same spirit of independence which led him as a boy to seek his fortune in the west, carried him to victory in later life at the Nation's Capitol, in numerous battles affecting the welfare of the Republic. The same power over himself—the same willingness to subordinate himself to things which he regarded as more important, enabled him with his persuasive oratory to enter the arena against the Nation's brightest minds, and to save his country when the interests of its people were at stake. A weaker man might have given his friends less anxiety, but he would have been less useful in those crises which require supreme courage as well as transcendent intellect.

This friend of ours was a leader among men, who, the stalwarts of

Washington will tell you today, stood head and shoulders above them all. His talent for sizing up a situation, and for reaching quick and accurate decisions in debate, proved his real leadership in the Senate; and his surpassing ability as an orator and logician won for him an everlasting fame, which neither time nor chance can take away.

Greater than his silver tongue and his chiseled logic, Senator Bailey was a statesman. Demosthenes has defined the duty of a statesman as one who is able to foresee and to foretell.

Into this small circle the great Grecian orator who formulated for his own and succeeding ages the rules that govern public speaking, has condensed the distinguished characteristics of a statesman. He must be able to peer into the future and vision that which others are not yet able to discern, and this power rests largely upon a knowledge of the past as well as an understanding of the human heart. A knowledge of the past, valuable as it is, is even less important than a proper estimate of the heart of man. If we know what a man does we can judge with reasonable certainty what he will do under like circumstances, but if we have a clear insight into his ruling passions, we can judge what he will do under similar impulses in the future, even without an extended acquaintance with his history; hence the poet's statement, "The proper study of mankind is man."

Senator Bailey came within this small sphere to a remarkable degree. He had the prescience to look through the excitement of the hour, and judge man by the rules that apply when they are calm and reasonable.

A statesman must also possess moral courage; and this is quite different from physical courage. There are many who are unafraid in the presence of physical danger, but who would quail before hostile public opinion. There are others who would be of little value in a contest of brutal force, who would stand Gibraltar-like in the face of overwhelming opposition.

Senator Bailey possessed a moral courage that surpassed, if possible, his physical courage. It is not necessary that one shall agree with his judgement on a given issue in order

to admire his independence of thought, and his willingness under all circumstances to follow his convictions and accept the responsibility of his conduct. It is this willingness to forfeit all if need be for what one believes to be right, that makes civilization possible. Truth is always lonely at first, and but for the courage of those who espouse it, its growth would be slow indeed. Only when men are willing to give expression to their thoughts and to defy any opposition that may arise, is there prospect for permanent progress. Truth does not fear discussion—it soars triumphant from the conflict of opinions; and these are the factors, no matter on which side victory rests, that count for most in summing up one's earthly career. Senator Bailey had the wisdom to foresee, and the moral courage to foretell; he deserves to be ranked among the Nation's immortals.

If great men would win a fame running beyond their span of years, they must of necessity have a common tie with the masses in their struggles for existence. Even a soldier is made stronger by this sort of sympathy, although military genius has been displayed by warriors on the side of tyranny and oppression.

Senator Bailey always felt and held a glowing kinship with the multitude—his kindly soul was ever quickened by the pulsation of the world's heart, and above all, he possessed that rare quality of human nature without which there can be no true greatness—he had faith. Faith in himself, faith in his fellow man, faith in God. He realized as much as any man I know, that one's belief must outrun his intellect if he would be farsighted—that it must grasp "the substance of things hoped for" and take hold upon "the evidence of things not seen."

It was upon this reliance and this secret influence that caused his friends to lay their trust in him, and he in them. A man is only great in proportion to the service he renders and he can only serve in proportion to his faith.

In order to get a true perspective of this friend of ours, who has fallen into his last long sleep, we must necessarily ascend into "an ampler ether, a diviner air." He was what I would call a true type of the universal man. He had eyes that could see, ears that heard, and a brain as

vivid and as unerring as light itself. In many respects he exceeded all the sons of men that it has been my pleasure to know, in the splendor of his constructive genius. I have seen him in his sweep of thought build governments, and tear them down at will. He caused the great orators of the past, to march before the multitudes of the present, and in his golden voice one could vision the verdant notes of a Cicero or a Webster. With Pericles he reviewed the progress of Greece, and from the jagged cliffs 'round Athens he sat and heard the reverberent tones of her mighty orators. He saw Agrippa charmed by the eloquence of St. Paul and reviewed the Roman Senators in the transcendent glory of their passing power. He sketched a true picture of Caesar with his legions in the field, and caught the first glimpse of liberty in the Charter which was wrested from the hands of King John. In his dreams and in his waking hours the governments of earth were accurately drawn, and with deft tongue and invective logic it was his wont to shadow forth the virtues of those which he conceived to be of most benefit to the peace and happiness of the world. He never tired in this; and I believe that his most noted contribution to the cause of mankind will be found in his unwavering defense of our early American Constitution; and especially of these inhibitions placed against the federal government in the Bill of Rights. These, to him, were the mud sills upon which the rights and liberties of the individual citizen rested. To him, a disregard or failure to preserve them, meant the final destruction and disunion of the States.

Finally, let it be said, though kingly and courtly, he never lost the common touch of men. He never considered himself of higher cult or class, but was satisfied to be counted among the Plebians of his day. But he was more than that—he was a Commoner of the higher type. His fine devotion to the general welfare of the State, was more than matched by his scorn for the demagogue and shabby opportunist. He used his time as he passed this way to a fine advantage, and impressed upon every hour that he lived the seal of faithful service.

In the Senate of the Nation, time will accord him a place by the side

of Webster and Clay, and those other immortals who glorified the pages of its early history. By sending him as their representative to this high tribunal the people of Texas gave him opportunity not only to record his matchless fame, but gave added luster to the Lone Star which emblemizes our State among the sisterhood of this union.

He has fallen asleep, and we shall know him no more in these councils; but heartened by his example, and strengthened in our belief that we shall "reap if we faint not," let us hope that he has found peace in a world where death comes not, where the partings shall be temporary, and the meetings shall be eternal.

This Statesman has been mustered out,

His rest was nobly earned;
An echo now in life's wild shout,
Since homeward he has turned.

A sweeter music melts his heart,
In welcomes loud and long,
That angels can alone impart,
In glad, rejoicing song.

This day, in fancy, we can view
A scene replete with grace,
On glory's field, this good friend true,
Clasps hands in fond embrace.

No grand distinctive mark he bears,
And yet, they knew his worth;
The stamp of God's approval wears
This gallant man of earth.

Not his the soldier's envied scar,
Unarmed he fought for right,
With Justice for his guiding star,
In duty's endless fight.

And ever may his record tell
To countless ages still unknown,
The story of a life lived well,
For God, for country, and for home.

On motion of Senator Martin, the address was ordered printed in the Journal.

Senators Wirtz, Berkeley, Love, Woodward, Miller, DeBerry, Hornsby, and Martin, briefly expressed their appreciation of the late Senator Bailey.

The Chair invited Representative Harry Graves to take part in the service on behalf of the House which had adjourned for the occasion.

The Chair introduced Mr. Graves who briefly addressed the Senate in

appreciation of the late Senator Bailey.

The Chair asked Judge E. R. Sinks of the House of Representatives to address the Senate. Judge Sinks briefly addressed the assemblage.

The Chair invited former Senator John H. Bailey to address the Senate. Senator Bailey briefly addressed the assemblage.

Senator Holbrook received unanimous consent to have read the following letter from the Hon. Lon A. Smith, Texas Railroad Commissioner:

Railroad Commission of Texas
Austin.

Marlin, Texas, Apr. 27, 1929.

Hon. T. J. Holbrook,

Austin, Texas.

Dear Senator:

The abiding type of friendship which bound my heart to the great heart of Senator Joseph W. Bailey, demands that I give some humble expression of loyalty to my friend.

I believed, implicitly, in his courage equal to that of an Andrew Jackson; I worshipped at the shrine of his peerless patriotism, not surpassed by that of a Sam Houston; his splendid statemanship placed him easily in the class with Webster and Calhoun. The golden glory of his matchless eloquence was not surpassed by a Prentice or an Edmund Burke.

His power to think in a straight line, and the ability to couch his thoughts in language, impelling, gave him first place as an orator on the American forum. One never tired of listening to the well coined words, flowing with eloquence as musical as the song of the brook, as its crystal waters sweep on to the sea. One listened to this inspired thinker, because he had a message always attuned to the great heart of the public. He spoke as he lived from a most lofty eminence. The doctrines he promulgated were based upon the sound principles of American thought and practice. There was a charm in his manner, captivating. There was a music in his voice, falling like the soft moonlight. There was a pathos in his soul at times, revealing the great common heart of the man.

He reached the highest heights of fame's dazzling pinnacle as an exponent of the doctrine of State Rights. He knew law—state and

national. While a great lawyer, he was more a commoner like Clay and William Pitt.

Our tribute seems so meaningless now, since the proud oak who lifted his stately head above others lies low in the forest; since the great intellect, independent in action, aggressive in execution no more leads his fellows; since the brave, unconquerable spirit, proud without haughtiness, inspires only as a memory, fragrant, eternal. The oft quoted lines of Goldsmith, "In the Deserted Village" reverberate in the chamber of memory:

"Ill fares the land,
To hastening ills a prey,
When wealth accumulates,
And men decay."

We will not be permitted again soon to look upon a man so charming in personality, so lofty in soul, so sympathetic with the people, so brave a knight, plumed always for battle, sublime in victory, defeated only in death, but whose soul has found kindred spirits in Heavens eternal company of the redeemed.

Most truly yours,

LON A. SMITH, Commissioner.

Invitation Extended.

The Chair laid before the Senate the following invitation:

CHAMBER OF COMMERCE

Member of United States Chamber of Commerce.

Austin, Texas, Apr. 27, 1929.

Hon. Barry Miller,

Lieutenant-Governor of Texas,
Austin, Texas.

Dear Governor Miller:

The business men and citizens of Austin have arranged for an entertainment, dance and refreshments on the Roof Garden of the Stephen F. Austin Hotel for Thursday evening, May 2nd starting at 8:30 and continuing until about 11:30 p. m.

We are extending to you and to all members of the Senate, and to their lady friends a most cordial invitation to be present with us Thursday evening.

If agreeable with you, will you not kindly have this invitation read to the Senate when it convenes Monday morning so that the chairmen of committees may so arrange their

meetings that the members of these committees may be able to attend this entertainment.

Thanking you heartily for having this notice read to the members of the Senate and hoping that each one will be present with us Thursday evening, we are

Yours very truly,

Austin Chamber of Commerce.

RALPH C. GOETH, Pres.

LEE S. THRIFT, Vice-Pres.

Convention and Publicity Bureau.

W. E. LONG, Manager.

JNO. W. HORNSBY,

Senator 20th District.

P. S.—Additional tickets will gladly be given on request to members of the Legislature.

The invitation was read and accepted.

Adjournment.

On motion of Senator Woodward, the Senate, at 12:15 p. m. adjourned until 10:00 o'clock Tuesday morning.

FIFTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, April 30, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Russek.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dis-

pensed with on motion of Senator Woodward.

Bills and Resolutions.

By Senator Wirtz.

S. B. No. 8, A bill to be entitled "An Act amending Chapter 156 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas of 1927, relating to Administrative Judicial Districts, by adding thereto sections to be numbered Sections 10A, 10B, and 10C, etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Witt.

S. B. No. 9, A bill to be entitled "An Act validating the sale of real estate by Executors and Administrators when citation was published as provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28, of the Revised Civil Statutes of Texas, 1925, etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Love and Greer.

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 181 of the General Laws of the Fortieth Legislature of the State of Texas, (Regular Session) providing for the classification of elementary and high schools by the county board of school trustees; etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Small.

S. B. No. 11, A bill to be entitled "An Act fixing the compensation of District Attorneys in districts of three or more counties and prescribing how the same shall be paid; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator McFarlane.

S. B. No. 12, A bill to be entitled "An Act regulating the sale and disposition of public utilities owned by incorporated cities and towns in this State; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Neal, Cunningham and others.

S. B. No. 13, A bill to be entitled